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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,923	12/15/2003	Kevin Chan	4366-152	5335
48500	7590	09/06/2007	EXAMINER	
SHERIDAN ROSS P.C. 1560 BROADWAY, SUITE 1200 DENVER, CO 80202			GAUTHIER, GERALD	
			ART UNIT	PAPER NUMBER
			2614	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/736,923

Applicant(s)

CHAN ET AL.

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/09/07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claim(s) 1-49** are rejected under 35 U.S.C. 102(e) as being anticipated by Gallagher (US 2003/0043978 A1).

Regarding **claim(s) 1, 24, 25 and 49**, Gallagher discloses a method for customizing an Interactive Voice Response unit (paragraph 0001), comprising:

providing an interactive voice response unit (IVR), the IVR comprising a menu structure comprising a plurality of menus, each menu comprising a plurality of options that are selectable by a user, wherein the plurality of menus and each menu's respective plurality of options define a plurality of potential navigation paths for the user through the menu structure (paragraph 0033);

receiving, from the user, a request to change the menu structure (paragraph 0062);

effecting the requested change to the menu structure (paragraph 0063); and

associating the changed menu structure with the requesting user (paragraph 0065).

Regarding **claim(s) 2 and 27**, Gallagher discloses a method, wherein the IVR comprises resource cards to handle digit collection from dual tone multi-frequency telephones, automatic speech recognition resources to detect user voice responses, and voice processing resources to record the user's prompts (paragraph 0065).

Regarding **claim(s) 3 and 28**, Gallagher discloses a method, further comprising: providing the user with at least two of the following options: creating a new navigation path (paragraph 0064);

hiding a menu option; editing a new navigation path (paragraph 0064);

adding an authentication requirement to a selected menu (paragraph 0064); and

deleting an authentication requirement from a selected menu (paragraph 0064).

Regarding **claim(s) 4 and 29**, Gallagher discloses a method, wherein the requested change is the creation of new navigation path (paragraph 0065).

Regarding **claim(s) 5 and 30**, Gallagher discloses a method, wherein the effecting and associating steps comprise: creating a new navigation path at a location selected by the user (paragraph 0062);

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saving the new navigation path in a configuration file associated with the user (paragraph 0062); and

recording a prompt from the user to indicate the new navigation path (paragraph 0062).

Regarding **claim(s) 6 and 31**, Gallagher discloses a method, wherein the requested change is a change to a new navigation path configured by the user (paragraph 0062).

Regarding **claim(s) 7 and 32**, Gallagher discloses a method, wherein, in the creating and saving steps, a current position vector of the user is saved and associated with the user (paragraph 0063).

Regarding **claim(s) 8 and 33**, Gallagher discloses a method, further comprising: playing the recorded prompt to the user the next time the user is serviced by the IVR (paragraph 0063).

Regarding **claim(s) 9 and 34**, Gallagher discloses a method, wherein the requested change is to hide at least one of a menu and an option (paragraph 0062).

Regarding **claim(s) 10 and 35**, Gallagher discloses a method, wherein the effecting and associating steps comprise: adding the at least one of a menu and an

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option to a set of menus and/or options to hide in a selected navigation path (paragraph 0062); and

saving the modified set of menus and/or options in a configuration file associated with the user (paragraph 0062).

Regarding **claim(s) 11 and 36**, Gallagher discloses a method, further comprising: receiving a request from the user to play the hidden at least one of a menu and an option (paragraph 0063); and

playing the at least one of a menu and an option to the user (paragraph 0063).

Regarding **claim(s) 12 and 37**, Gallagher discloses a method, further comprising: determining whether the at least one of a menu and an option is eligible to be hidden (paragraph 0065);

when the at least one of a menu and an option is eligible to be hidden, performing the effecting and associating steps (paragraph 0065); and

when the at least one of a menu and an option is ineligible to be hidden, not performing the effecting and associating steps (paragraph 0065).

Regarding **claim(s) 13 and 38**, Gallagher discloses a method, wherein the requested change is to add an authentication requirement associated with at least one of a menu and an option (paragraph 0063).

Regarding **claim(s) 14 and 39**, Gallagher discloses a method, further comprising: prompting the user to enter authentication information (paragraph 0056); and

prompting the user at least one of to attach a file, enter a pathname to the file (paragraph 0056); and

to record a message to play to an authenticated user (paragraph 0056).

Regarding **claim(s) 15 and 40**, Gallagher discloses a method, wherein the requested change is to delete an authentication requirement associated with at least one of a menu and an option (paragraph 0062).

Regarding **claim(s) 16 and 41**, Gallagher discloses a method, further comprising: prompting the user to enter authentication information (paragraph 0056); validating the entered authentication information; when the authentication information is successfully validated, performing the effecting step (paragraph 0056); and

when the authentication information is unsuccessfully validated, not performing the effecting step (paragraph 0056).

Regarding **claim(s) 17 and 42**, Gallagher discloses a method, wherein the user is provided with all of the options (paragraph 0062).

Regarding **claim(s) 18 and 43**, Gallagher discloses a method, wherein the menu structure is associated with a server-based account of the user and further comprising, before the receiving step: prompting the user for authentication information (paragraph 0056);

receiving the authentication information (paragraph 0056);

validating the authentication information (paragraph 0056);

when the authentication information is successfully validated, performing the receiving step (paragraph 0056); and

when the authentication information is unsuccessfully validated, not performing the receiving step (paragraph 0056).

Regarding **claim(s) 19 and 44**, Gallagher discloses a method, further comprising: selecting a shortcut code and associating the shortcut code with the new navigation path, whereby the user selects the new navigation path by entering the shortcut code (paragraph 0059).

Regarding **claim(s) 20 and 45**, Gallagher discloses a method, wherein the change request is received through at least one of an audio and visual interface (paragraph 0061).



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Regarding **claim(s) 21 and 46**, Gallagher discloses a method, wherein the requested change is an edit to a new navigation path previously configured by the user (paragraph 0062).

Regarding **claim(s) 22 and 47**, Gallagher discloses a method, further comprising: restoring the hidden at least one of a menu and an option (paragraph 0062).

Regarding **claim(s) 23 and 48**, Gallagher discloses a method, wherein the IVR is associated with a plurality of user accounts, each user account corresponding to a unique user, wherein each user has a corresponding set of changes to the menu structure, and wherein the sets of changes are different from one another (paragraph 0065).

Regarding **claim(s) 26**, Gallagher discloses an Interactive Voice Response unit (IVR) (paragraph 0001), comprising:

- a processor (102 on FIG. 1) operable to:

- a menu structure comprising a plurality of menus, each menu comprising a plurality of options that are selectable by a user, wherein the plurality of menus and each menu's respective plurality of options define a plurality of potential navigation paths for the user through the menu structure (paragraph 0033);

- receive, from the user, a request to change the menu structure (paragraph 0062);

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effect the requested change to the menu structure (paragraph 0065); and  
associate the changed menu structure with the requesting user (paragraph  
0063).

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/  
Primary Examiner  
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/GG/  
August 29, 2007